

1 BILL NO. S-85-11- 49

2 SPECIAL ORDINANCE NO. S 235-85

3 ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE
4 TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BOND
5 SERIES 1985 (LINCOLN MANUFACTURING COMPANY, INC. PROJECT)"
6 AND APPROVING OTHER ACTIONS IN RESPECT THERETO

7 WHEREAS, the Fort Wayne Economic Development Commission has
8 rendered its Project Report for the Lincoln Manufacturing Company,
9 Inc. Project regarding the financing of proposed economic develop
10 ment facilities for the Project and the Allen County Plan Commission
11 has commented favorably thereon; and

12 WHEREAS, the Fort Wayne Economic Development Commission
13 conducted a public hearing on December 5, 1985, and also adopted a
14 resolution on December 5, 1985, which Resolution has been
15 transmitted hereto, finding that the financing of certain economic
16 development facilities of Lincoln Manufacturing Company complies
17 with the purposes and provisions of I.C. 36-7-11.9 and 12 and that
18 such financing will be of benefit to the health and welfare of the
19 City of Fort Wayne and its citizens; and

20 WHEREAS, the Fort Wayne Economic Development Commission has
21 heretofore approved and recommended the adoption of this form of
22 Ordinance by this Common Council, has considered the issue of
23 adverse competitive effect and has approved the forms of and has
24 transmitted for approval by the Common Council the Trust Indenture,
25 Loan Agreement, Mortgage and Security Agreement, and Lease; now
26 therefore,

27 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
28 WAYNE, INDIANA, THAT:

29 SECTION 1. It is hereby found that the financing of the
30 economic development facilities referred to in the Loan Agreement
31 approved by the Fort Wayne Economic Development Commission and pre-
32 sented to this Common Council, the issuance and sale of revenue
bonds, the loan of the proceeds of the revenue bonds to Lincoln

1 Manufacturing Company for the acquisition and construction of such
2 facilities and the equipping thereof, and the payment of the revenue
3 bonds by the payments of Lincoln Manufacturing Company under the
4 Loan Agreement, complies with the purposes and provisions of I.C.
5 36-7-11.9 and 12 and will be of benefit to the health and welfare of
6 the City of Fort Wayne and its citizens.

7 SECTION 2. The economic development facilities will con-
8 sist of construction of a 72,000 sq. ft. addition to existing faci-
9 lities for use in manufacturing and warehousing and research and
10 development, said facility to be located at 1111 N. Hadley Road,
11 Allen County, Indiana (the "Project").

12 SECTION 3. At the public hearing held by the Fort Wayne
13 Economic Development Commission, the Commission considered whether
14 the economic development facilities would have an adverse com-
15 petitive effect on any similar facilities located in the City of
16 Fort Wayne, and found, based on special findings of fact set forth
17 in the Resolution transmitted hereto, that the facilities would not
18 have an adverse competitive effect. This Common Council hereby con-
19 firms the findings set forth in the Commission's Resolution, and
20 concludes that the economic development facilities will not have an
21 adverse competitive effect on any other similar facilities in the
22 City of Fort Wayne, and the facilities will be of benefit to the
23 health and welfare of the citizens of the City of Fort Wayne.

24 SECTION 4. The substantially final forms of the Trust
25 Indenture, Loan Agreement, Mortgage and Security Agreement and
26 Lease, approved by the Fort Wayne Economic Development Commission
27 are hereby approved and each shall be incorporated herein by
28 reference and shall be inserted in the minutes of the Common Council
29 and kept on file by the Clerk. In accordance with the provisions of
30 I.C. 36-1-5-4, two (2) copies of each of said documents are on file
31 in the office of the Clerk for public inspection.

32 SECTION 5. The City of Fort Wayne shall issue its Economic

1 Development Revenue Bond Series 1985 (Lincoln Manufacturing Company,
2 Inc. Project), in the total principal amount of Two Million One
3 Hundred Thousand Dollars (\$2,100,000.00) and maturing December 1,
4 1995. Said bonds are to be issued for the purpose of procuring
5 funds to pay the costs of acquisition, construction and equipping of
6 the economic development facilities as more particularly set out in
7 the Loan Agreement, Mortgage and Security Agreement and Trust
8 Indenture incorporated herein by reference, which bonds will be
9 payable as to principal, premium, if any, and interest from the
10 payments made by Lincoln Manufacturing Company, Inc. as provided for
11 under the Loan Agreement, Mortgage and Security Agreement and Trust
12 Indenture. The bonds shall be issued in fully registered form in
13 the denomination of \$5,000 or any integral multiple of \$5,000 in
14 excess thereof provided that the bonds may be issued in the denomi-
15 nation of \$5,000 or any integral multiple thereof if necessary to
16 evidence the unredeemed portion of any bond. The bonds shall be
17 redeemable as provided in Article V of the Trust Indenture.
18 Payments of principal and interest are payable in lawful money of
19 the United States of America. Payments of principal are payable at
20 the principal office of the Trustee or its successor in trust.
21 Payments of interest are payable by check mailed to the registered
22 owner as of the Record Date as provided in the Indenture of Trust.
23 The bonds shall never constitute a general obligation of, an indeb-
24 tedness of, or a charge against the general credit of the City of
25 Fort Wayne, nor are the bonds payable in any manner from revenues
26 raised by taxation.

27 SECTION 6. The Mayor and Clerk are authorized and directed
28 to sell such bonds to the purchasers thereof at a price of not less
29 than 100% of the principal amount thereof. The bonds shall bear
30 interest at a rate of interest of 75% of the prime rate not capped
31 of Summit Bank, Fort Wayne, Indiana, as such rate changes from time
32 to time or at such other rate as provided for in the Trust

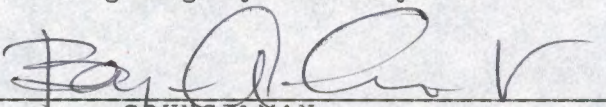
1 Indenture.

2 SECTION 7. The Mayor and Clerk are authorized and directed
3 to execute, attest, affix or imprint by any means the City seal to
4 these documents to be executed by the City which are approved herein
5 on behalf of the City and any other document which may be necessary
6 or desirable to consummate the transaction, including the bonds
7 authorized herein. The Mayor and Clerk are hereby expressly
8 authorized to approve any modifications or additions to the docu-
9 ments to be executed by the City which are approved herein which
10 take place after the date of this Ordinance with the review and
11 advice of the City Attorney; it being the express understanding of
12 this Common Council that said documents to be executed by the City
13 are in substantially final form as of the date of this Ordinance.
14 The approval of said modifications or additions shall be conclusi-
15 vely evidenced by the execution and attestation thereof and the
16 affixing of the seal thereto or the imprinting of the seal thereon;
17 provided, however, that no such modification or addition shall
18 change the maximum principal amount of, interest rate on or term of
19 the bonds as approved by the Common Council by this Ordinance
20 without further consideration by the Common Council. The signatures
21 of the Mayor and Clerk on the bonds may be either manual or fac-
22 simile signatures. The Clerk is authorized to arrange for delivery
23 of such bonds to the Trustee named in the Trust Indenture, and
24 payment for the bonds will be made to the Trustee named in the Trust
25 Indenture and after such payment the bonds will be delivered by the
26 Trustee to the purchasers thereof. The Mayor and Clerk shall exe-
27 cute and the Clerk shall deliver the bonds to the Trustee within
28 ninety days of the adoption of this ordinance. The bonds shall be
29 dated the date of authentication thereof.

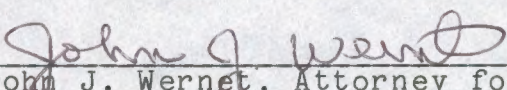
30 SECTION 8. The provisions of this Ordinance and the Trust
31 Indenture securing the bonds shall constitute a contract binding
32 between the City of Fort Wayne and the holder of the Economic

1 Development Revenue Bond, Series 1985 (Lincoln Manufacturing
2 Company, Inc. Project), and after the issuance of said bonds, this
3 Ordinance shall not be repealed or amended in any respect which
4 would adversely affect the rights of such holders so long as any of
5 said bonds or the interest thereon remains unpaid.

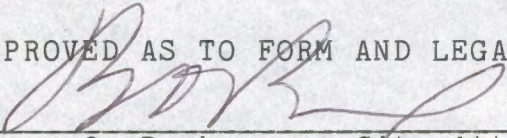
6 SECTION 9. This Ordinance shall be in full force and
7 effect from and after its passage and signing by the Mayor.

8 
9 COUNCILMAN

10 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION
11 AND APPROVED AS TO FORM.

12 
13 John J. Wernet, Attorney for the
14 Economic Development Commission
15 Dated this 25 day of November, 1985.

16 APPROVED AS TO FORM AND LEGALITY.

17 
18 Bruce O. Boxberger, City Attorney
19 Dated this 25 day of November, 1985.

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FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by E. Stier
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Finance (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.

DATE: 11-26-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. Stier
seconded by Stier, and duly adopted, placed on its
passage. PASSED (UNST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	<u>✓</u>	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-10-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. S-235-85
on the 10th day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 11th day of December, 1985
at the hour of 11:00 o'clock 11 M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of December
1985, at the hour of 8:30 o'clock 8 M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

BILL NO. S-85-11-49

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BOND SERIES
1985 (LINCOLN MANUFACTURING COMPANY, INC. PROJECT)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) DO PASS DO NOT PASS WITHDRAWN

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

SAMUEL J. TALARICO

THOMAS C. HENRY

JAMES S. STIER

CONCURRED IN 12-10-85

SANDRA E. KENNEDY
CITY CLERK